



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 22-521

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Thursday May 12, 2022

International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, in regard to the grant of any of these applications may be filed within thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 05/12/2022

On September 21, 2021, United Wireless Holdings Inc. (United Wireless or Petitioner) filed a letter notification pursuant to section 1.5004(f) of the Commissioner's rules, stating that it is not in compliance with its existing foreign ownership ruling. 47 CFR § 1.5004(f). See ISP-PDR-20080404-00010, International Authorizations Granted, Section 214 Applications (47 CFR § 63.18); Section 310(b)(4) Requests, Public Notice, 24 FCC Rcd 198 (IB 2009) (2008 Foreign Ownership Ruling). Concurrently, Petitioner filed a petition for a new declaratory ruling (Petition), pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act") and section 1.5000(a)(1) of the Commission's rules, asking the Commission to find that it would serve the public interest to approve foreign ownership in United Wireless, the controlling U.S. parent of SkyTel Spectrum, LLC (Skytel) and A2G Communications, LLC (A2G), above the 25% benchmarks in section 310(b)(4). 47 U.S.C. § 310(b)(4); 47 CFR § 1.5000(a)(1).

According to the Petition, United Holdings, a Delaware corporation, has a 100% equity and voting interest in Skytel, a Delaware limited liability company, which holds paging and narrowband personal communications services (NPCS) licenses. In addition, United Wireless and Stratophone, LLC (Stratophone), a xxx entity, each hold 50% equity and voting interests in A2G, a Delaware limited liability company, which holds Part 22 Air-Ground Radiotelephone Service (AGRAS) licenses. Stratophone is owned by two U.S. citizens - Albert Gencarella (90%) and Suzanne Gencarella (10%) - and thus has no foreign ownership. A2G filed an application to assign the AGRAS licenses to AURA Network Systems OpCo, LLC (AURA), a xxx entity. See ULS File No. 0009752785. In addition, Skytel filed an application to assign a single NPSC license to AURA. See ULS File No. 0009738287. According to the Petition, AURA has no disclosable foreign ownership interests.

On December 9, 2008, the Commission issued the 2008 Foreign Ownership Ruling to SkyTel and United Spectrum Management Services LLC (United Spectrum), another wholly owned subsidiary of United Wireless, finding that public interest would not be served by prohibiting foreign ownership in United Wireless in excess of the 25% benchmarks of section 310(b)(4) of the Act. The 2008 Foreign Ownership Ruling specifically approved Andrew Fitton, a United Kingdom (U.K.) citizen, to hold a direct 100% equity and voting interest in United Wireless and an indirect 100% equity and voting interest in Skytel and United Spectrum Management Services LLC. The 2008 Foreign Ownership Ruling covers Skytel's paging and NPSC licenses.

According to the Petition, the ownership of United Wireless has changed since the 2008 Foreign Ownership Ruling. By 2014 Michael Carper, a U.S. citizen, acquired 30% equity and voting interests in United Wireless, reducing Mr. Fitton's ownership to 70%. In 2016, Mr. Fitton transferred his 70% equity and voting interests in United Wireless to Fitton & Co. Ltd. (Fitton & Co.), a U.K. entity. Mr. Fitton holds 70.6% equity and voting interests in Fitton & Co. Rosalind Fitton, his wife, holds 8.6% equity and voting interests in Fitton & Co. and their children, Nina Fitton, Kit Fitton, William Fitton, and Ellen Fitton each hold 4.9% equity and voting interests. In addition, Clair Crabtree holds 1% equity and voting interests in Fitton & Co. All of the identified individuals are U.K. citizens.

In 2019, Skytel and Stratophone assigned their ARGAS licenses to A2G and United Wireless took 50% equity and voting interests in A2G. Petitioner now seeks a ruling that covers the AGRAS licenses, the ownership interests held by Fitton & Co. and Rosalind Fitton, and the ownership in A2G. Specifically, Petitioner requests specific approval of the direct and indirect foreign equity and voting interests in United Wireless by foreign-organized entities and individuals.

Pursuant to Commission practice, the Petition was referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Petitioner. On May 4, 2022, the National Telecommunications and Information Administration, on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), filed a letter stating that the Committee has reviewed the Petition and has no recommendation at this time to the Commission and no objection to the Commission granting the ruling.

We find that the public interest would not be served by prohibiting foreign ownership of United Wireless in excess of the 25% benchmarks in section 310(b)(4) of the Act. We, therefore, grant the Petition subject to the conditions set out herein.

Pursuant to section 1.5001(i) of the rules, we grant Petitioner's request to permit the following foreign-organized entities and individuals to hold, directly and/or indirectly, equity and/or voting interests in United Wireless: (1) Fitton & Co., Ltd. (U.K.): 70% direct equity interest and 100% direct voting interest in United Wireless (70% indirect equity interest and 100% indirect voting interest in SkyTel; 35% indirect equity interest and 100% indirect voting interest in A2G); (2) Andrew Fitton (U.K.): 49.42% indirect equity interest and 100% voting interest in United Wireless through Fitton & Co., Ltd. (49.42% indirect equity interest and 100% indirect voting interest in SkyTel; 24.71% indirect equity interest and 100% indirect voting interest in A2G); and (3) Rosalind Fitton (U.K.): 6.16% indirect equity and voting interest in United Wireless through Fitton & Co., Ltd. 47 CFR § 1.5001(i).

United Wireless has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent with the principles enunciated by the Commission, including the standards and criteria set forth in sections 1.5002 through 1.5003 of the Commission's rules and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act. 47 CFR §§ 1.5002-1.5003; 47 CFR § 1.5004, Note to paragraph (a).

A failure to comply and/or remain in compliance with any of these conditions shall constitute a failure to meet a condition of this ruling and the underlying licenses and thus grounds for declaring them terminated without further action on the part of the Commission. Failure to meet a condition of this ruling may also result in monetary sanctions or other enforcement action by the Commission.

Grant of this declaratory ruling is without prejudice to the Commission's action on any other related pending application(s). The grant is also without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

ITC-214-20220408-00049

E

SIMPLE CELLUTION LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 05/06/2022

An application has been filed for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(1), (2).

SIMPLE CELLUTION LLC is 100% owned by Eric Michaud, a U.S. citizen.

ITC-214-20220411-00051

E

Unity Wireless, Inc.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 05/06/2022

An application has been filed for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(1), (2).

Unity Wireless, Inc. is owned by Bilal Saleh (50%) and Yazan Saleh (50%), both U.S. citizens.

SURRENDER

ITC-214-19980313-00189

Network Service Billing, Inc.

By letter submitted May 2, 2022, Network Service Billing, Inc. notified the Commission of the discontinuance of all international service and the surrender of its international section 214 authorization effective May 31, 2022.

ITC-214-20031124-00537

Communications Network Billing, Inc.

By letter submitted May 2, 2022, Communications Network Billing, Inc. notified the Commission of the discontinuance of all international service and the surrender of its international section 214 authorization effective May 31, 2022.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.
- (4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 CFR § 63.23(d).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 CFR § 63.14.
- (6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 CFR Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.
- (7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).
- (8) Any U.S. Carrier that owned or leased bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.
- (9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.
- (11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 CFR § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 CFR § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.